

AMENDED IN ASSEMBLY JUNE 2, 2003

AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 28

**Introduced by Assembly Member Pavley
(Coauthors: Assembly Members Calderon and Cohn)**

December 2, 2002

An act to add Article 3.9 (commencing with Section 8574.30) to Chapter 7 of Division 1 of Title 2 of the Government Code, relating to firefighting equipment.

LEGISLATIVE COUNSEL'S DIGEST

AB 28, as amended, Pavley. Firefighting: hazardous materials equipment.

Existing law establishes in the Office of Emergency Services a program for purchasing thermal imaging firefighting equipment for distribution to state and local firefighting agencies, as specified.

This bill would establish in the office a Firefighting Hazardous Materials Response Team Equipment Program to provide funding, upon appropriation by the Legislature, for the purchase of hazardous materials response apparatus and equipment to state and local agencies that provide fire protection services, as specified. The bill would require the director of the office to establish criteria for the deployment of this *apparatus and* equipment, including, among other criteria, the number of hazardous materials response teams in an area or region in relation to the population, the number of commercial or industrial facilities that receive, handle, or generate hazardous materials, and the presence of

potential targets for terrorism. The bill would ~~provide that, to the extent permitted by federal law and upon appropriation by the Legislature, funds may be appropriated from the Federal Trust Fund to the office for the purpose of implementing these provisions and that these provisions may be implemented only after this appropriation~~ *authorize the director to implement the program established by these provisions only upon the Legislature appropriating to the Office of Emergency Services federal funds that are permitted by federal law to be expended for these purposes.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature for the
2 hazardous material response apparatus and equipment received
3 pursuant to Article 3.9 (commencing with Section 8574.30) of
4 Chapter 7 of Division 1 of Title 2 of the Government Code to be
5 shared as needed among local agencies pursuant to mutual aid
6 agreements.

7 SEC. 2. Article 3.9 (commencing with Section 8574.30) is
8 added to Chapter 7 of Division 1 of Title 2 of the Government
9 Code, to read:

10
11 Article 3.9. Firefighting Hazardous Materials Response Team
12 Equipment Act of 2003
13

14 8574.30. This article shall be known and may be cited as the
15 Firefighting Hazardous Materials Response Team Equipment Act
16 of 2003.

17 8574.31. As used in this article:

18 (a) “Director” means the Director of the Office of Emergency
19 Services.

20 (b) “Local agency” means any city, county, city and county,
21 fire district, special district, or joint powers agency that provides
22 fire protection services. “Local agency” also includes a fire
23 company organized pursuant to Part 4 (commencing with Section
24 14825) of Division 12 of the Health and Safety Code.

25 (c) “Office” means the Office of Emergency Services.



(d) “State agency” means any state agency providing residential or institutional fire protection, including, but not limited to, the California Department of Forestry and Fire Protection.

8574.32. There is established in the office the Firefighting Hazardous Materials Response Team Equipment Program to provide funding, upon appropriation by the Legislature, for the purchase of hazardous materials response apparatus and equipment.

8574.33. The director shall establish criteria for the deployment of hazardous materials response apparatus and equipment. These criteria shall include, but not be limited to, the following information about an area or region:

(a) The number of hazardous materials response teams in relation to the population.

(b) The potential targets for terrorism, including buses, trains, subways, and other modes of transportation.

(c) The transportation routes and facilities, including bridges, airports, and airport terminals.

(d) The presence of water and wastewater treatment plants and nuclear powerplants.

(e) Any information the director acquires from consultation with the Federal Bureau of Investigation or other federal agencies related to potential terrorist targets or the need for hazardous materials equipment.

(f) The number of commercial or industrial facilities that receive, handle, or generate hazardous materials, including, but not limited to, inhalation hazards as defined in subdivision (a) of Section 32101 of the Vehicle Code.

8574.34. The director shall establish a procedure for state and local agencies to apply for equipment.

8574.35. When deploying hazardous materials response apparatus and equipment to a state or local agency pursuant to this article, the director shall enter into an operating agreement with that agency specifying the terms of this deployment.

~~8574.36. To the extent permitted by federal law and upon appropriation by the Legislature, funds shall be appropriated from the Federal Trust Fund to the Office of Emergency Services for the purpose of implementing this article. The director may implement this article only after these moneys are appropriated.~~

1 8574.36. *The director may only implement the program*
2 *established by this article upon appropriation by the Legislature*
3 *to the Office of Emergency Services of federal funds that are*
4 *permitted by federal law to be expended for the purposes of this*
5 *article.*

